293219

U.S. Department
of Transportation

**Federal Railroad
Administration**

1120 Vermont Ave., N.W.
Washington, D.C. 20590

AUG 6 2004

FRA 2004-17027-4

Mr. D.S. Mogan
Director, Safety and Rules
Northeast Illinois Railroad Corporation (Metra)
547 West Jackson Street
Chicago, IL 60661

Dear Mr. Mogan:

Metra has petitioned the Federal Railroad Administration (FRA) to grant a waiver of compliance from certain provisions of the Passenger Equipment Safety Standards [49 CFR Part 238] Section 103 (fire safety); Section 203 (static end strength); Section 205 (anti-climbing mechanism); Section 207 (link between coupling mechanism and car body); Section 209 (forward-facing end structure of locomotives); Section 211(collision posts); Section 219 (truck-to-car-body attachment); Section 223 (locomotive fuel tanks); Section 225 (electrical systems); Section 227 (suspension system); and Section 237 (automated monitoring) as it pertains to *alerters*, for super hy-rail vehicles utilized to move stranded passenger trains in a rescue operation. This request was assigned Docket Number FRA-2004-17027.

On July 14, 2004, FRA's Railroad Safety Board, after full consideration, has determined that the request for waiver be granted under the following conditions:

1. Vehicle operators must be trained and qualified under the requirements of [49 CFR Part 240] Qualification and Certification of Locomotive Engineers for the equipment

2. Vehicles are to be used only in an emergency.

3. Vehicle braking functions must satisfy the brake requirements in Passenger Equipment Safety Standards [49 CFR 238] and Locomotive Safety Standards [49 CFR 229].

4. Since Metra has yet to select the vehicle, final approval of the waiver would be contingent on inspection of the hi-rail equipment selected by METRA. FRA may require additional components which may not be routinely included as part of the unit described in the builders publication. These additional components that may be required, are found in the FRA's memorandum, MP&E 98-71, dated August 3, 1998, concerning the subject of "Self Propelled Vehicles Considered to Be Locomotives." The copy is attached.

5. FRA reserves the right to modify or rescind the waiver upon receipt of information pertaining to the safety of rail operations or in the event of non-compliance with any condition of this waiver.

In any future correspondence regarding this alternative standard, please refer to Docket Number FRA-2004-17027.

Sincerely,

Grady C. Cothen, Jr.
Acting Associate Administrator for Safety

U.S. Department
of Transportation
Federal Railroad Administration

Memorandum

Date: AUG - 3 1998 Reply to Attn. of: MP&E 98-71

Subject: Self Propelled Vehicles Considered to Be Locomotives

From: Edward R. English
Director, Office of Safety Assurance and Compliance

To: Regional Administrators, Deputy Regional Administrators,
Motive Power and Equipment Specialists and Inspectors

Recently, we have had several inquiries about equipment requirements for self propelled vehicles used to haul revenue freight on the main line. Self propelled vehicles are used in a variety of railroad functions. These vehicles include those built by Trackmobile Inc., Shuttle Wagon, Mitchell Equipment Corporation and Brandt Roadrailer.

Section 229.5 (k) states:

> *Locomotive* means a piece of on-track equipment other than hi-rail, specialized maintenance, or other similar equipment
> (1) With one or more propelling motors designed for moving other equipment;
> (2) With one or more propelling motors designed to carry freight or passenger traffic or both; or
> (3) Without propelling motors but with one or more control stands.

A hi-rail vehicle is defined as a truck or automobile with retractable flanged wheels so it may be used on either the highway or track. Specialized maintenance or other similar equipment includes track motor cars, cranes, derricks, pile drivers, ballast cleaners, etc. When self propelled vehicles are used only in the performance of typical maintenance-of-way functions, or if they are used to move cars or equipment within the confines of repair facilities, they are to be considered specialized maintenance equipment and are exempt from many Federal Railroad Administration (FRA) regulations.

When a self propelled vehicle is used to move freight over the railroad, outside the limits established for maintenance-of-way operations and repair facilities, it will be considered a locomotive and must comply with applicable regulations. Even though these vehicles do not resemble a standard locomotive, the purpose for which they are being used requires compliance with 49 CFR Sections 223, 229, 231 and 232.

The self propelled vehicles are unique in construction, appearance and use. Many of these vehicles currently being used have already been modified by the manufacturers (as closely as construction would permit) to bring them into compliance with Federal regulations. FRA acknowledges that this equipment has a place in a well rounded rail transportation system. In an effort to recognize the unique characteristics of these vehicles, FRA inspectors should exercise enforcement discretion and good judgement in analyzing an operation where self propelled vehicles are used for train movements.

The following specifications should be used by inspectors for enforcement guidance:

1. The vehicle glazing material must comply with Part 223.

2. Each self propelled vehicle shall be inspected each calendar day when used and an inspection report and record shall be completed as described in Section 229.21.

3. Each self propelled vehicle shall receive a periodic inspection as described in Section 229.23, and all pertinent data is to be entered on a F6180.49A Locomotive Inspection and Repair Report, which shall be displayed under a transparent cover in a conspicuous place in the cab of the vehicle.

4. The vehicle's air brake equipment must be cleaned and tested as often as conditions require, but not less frequently than required in Sections 229.25, 229.27 and 229.29.

5. The main air reservoir must comply with Section 229.31 regarding either hammer and hydrostatic testing or pre-drilling of the reservoir.

6. Vehicle must meet general Safety Requirements of Section 229.41, 229.43 and 229.45.

7. Fuel safety cut off devices, Section 229.93.

8. The vehicle must have a speed indicator if it is operated at a speed that exceeds 20 mph. Section 229.117.

9. Interior cab noise must comply with Section 229.121.

10. Vehicle headlights must be fully functional and if operated at speeds in excess of 20 mph over one or more public highway-rail crossings, must comply with auxiliary light requirements Section 229.129.

11. Vehicle must be equipped with an audible warning device, Section 229.129.

12. If operated at speeds in excess of 30 mph while hauling cars, vehicle must be equipped with working event recorder in compliance with Section 229.135.

13. Switching steps as defined in Section 231.30.

Four horizontal handholds secured to the back and front ends of the vehicle, secured by bolts or other acceptable mechanical fastener. Section 231.30.

Vertical handholds painted in contrasting colors and secured by bolts or other acceptable fasteners, Section 231.30.

Must be equipped with automatic couplers, to prevent the necessity of a someone going between the vehicle and car for the purpose of coupling or uncoupling, Section 231.30.

If conditions warrant, a two-way end-of-train device must be used, Section 232.19 - 25.

As with any train movement, the vehicle must be equipped with a brake system that permits the operator to apply and release the brakes on cars being hauled. The brake equipment must also be arranged so that proper air brake leakage tests can be conducted as applicable, Sections 232.12 and 232.13.

Items deemed to be safety related, that can not meet specified requirements, will have to be addressed through the waiver process.

#